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OFFICE OF PETITIONS

In re Patent No. 7,936,686 :
Issued: 05/03/2011 :
Application No. 10/599,294 : ON PETITION
Filed: 09/25/2006 :
Atty Dckt No. 324-189 :
:

This is a decision on the PETITION UNDER 37 CFR 1.183 TO SUSPEND OR WAIVE REQUIREMENT FOR INVENTOR SIGNING OF SUPPLEMENTAL DECLARATION WHEN THE INVENTOR IS UNAVIALBLE, filed on June 6, 2011.

The petition is **DISMISSED AS MOOT.**

Petitioners request waiver, under 37 CFR 1.183, of §§ 1.63 and 1.64 inasmuch as they require that a supplemental oath or declaration be executed by all of the inventors, and that the Office accept a supplemental oath or declaration signed by fewer than all of the inventors.

MPEP 603.01 states:

Since the decision in *Cutter Co. v. Metropolitan Electric Mfg. Co.*, 275 F. 158 (2d Cir. 1921), many supplemental oaths and declarations covering the claims in the application have been filed after the applications were allowed. Such oaths and declarations may be filed as a matter of right and when received they will be placed in the file by the Office of Data Management, but their receipt will not be acknowledged to the party filing them. They should not be filed or considered as amendments under 37 CFR 1.312, since they make no change in the wording of the papers on file.
See MPEP § 714.16.

A notice of allowance was mailed on April 29, 2010, and the application issued as U.S. Patent No. 7,936,686 on May 3, 2011 as a result of the payment of the issue fee on July 29, 2010.

As the subject supplemental oath or declaration was filed after the application was allowed, the oath or declaration will be placed in the file. However, as oath or declaration is not considered an amendment, and its receipt will not be acknowledged, the petition will not be considered on its merits and will be **dismissed as moot**.

The petition fee will be refunded to counsel.

Telephone inquiries related to this decision should be directed to the undersigned at 571.272.3231.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions